

Amendments to the Drawings

To overcome the objection to drawing Figure 1, Applicants request to amend the drawings currently pending in the Application by substituting the replacement drawing sheet enclosed herewith, containing Figures 1-2, for the drawing sheet currently pending.

Figure 1 has been amended as suggested in the Action to include the legend "Prior Art". No new matter will be added as a result of this substitution. Permission to amend the drawings by substitution is respectfully requested.

REMARKS

The indication that original claims 12 and 13 recite allowable subject matter is greatly appreciated. Claims 1, 7 and 13 have been amended. Claim 12 has been canceled without prejudice. Claims 1-11 and 13 are now pending. No new matter has been added. Reconsideration is respectfully requested. Support for the amendments is found in the original claims and specification.

Claim 1 has been amended to include the subject matter from claim 12 that was indicated to be allowable.

Claim 7 has been amended to be more clear and to include the suggestion in the Action to refer to “carbon containing material.”

Claim Rejections

Claims 1-13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 1-6 and 8-11 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Fishler, et al. (US 5,151,201).

Claim 7 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fishler, et al. in view of Sugie, et al. (US 4,789,651).

These rejections are respectfully traversed.

35 U.S.C. § 112, Second Paragraph Rejections

Claim 1

Applicants respectfully submit that claim 1 is clear and definite. According to feature (a) **at least 75 weight %** of the fired refractory shaped part is characterized by **a refractory secondary material**. According to this wording (and the disclosure of page 3, last paragraph - page 4, first paragraph) the percentage of the secondary material may be up to 100%. In addition, Applicants respectfully submit that the claimed pore volume relates to the **fired** refractory shaped part according to the wording of claim 1.

Thus one of ordinary skill in the art would consider claim 1 to be clear and definite. Withdrawal of the rejection is respectfully requested. In the event, the rejection is not withdrawn, Applicants would appreciate further clarification regarding any remaining aspects of claim 1 that the Office believes are unclear.

Claim 7

In order to make claim 7 even more clear, the claim has been amended to recite that **the carbon containing material was filled into the pore volume and a subsequent tempering process being performed**. Also, as suggested by the Examiner, claim 7 has been amended to refer to “carbon containing material.” Applicants respectfully submit that amended claim 7 is clear and definite. The “subsequent tempering process” is **independent** of the “firing” which relates to the fired part according to claim 1. Claim 7 relates to an embodiment according to which the open porosity of the fired product is reduced down to 4.5 to 7.5 % by volume because

of filling the open pore volume according to feature (b) of claim 1 by the said carbon containing material which subsequently undergoes a tempering process.

One of ordinary skill in the art would consider claim 7 to be clear and definite.

Withdrawal of the rejection is respectfully requested.

Claim 9

Applicants respectfully submit that claim 9 is clear and definite. The recited word “chemically” is clear and defines the chemical composition. Also the recited word “minerallogically” means that the primary material may be, for example, a baddeleyite as the secondary material but the two baddeleyites may be of (slightly different) chemical composition.

Thus one of ordinary skill in the art would consider claim 9 to be clear and definite.

Withdrawal of the rejection is respectfully requested.

Claim 13

Applicants respectfully submit that claim 13 is clear and definite. Claim 13 has been amended to depend from claim 1 and relates to fired refractory shaped product with a pore volume between 10 and 30%. The pore distribution according to claim 13 refers to the **fired** refractory shaped part.

Thus one of ordinary skill in the art would consider claim 13 to be clear and definite.

Withdrawal of the rejection is respectfully requested.

35 U.S.C. § 102 (b) and 103(a) Rejections

Applicant respectfully submits that each of these claims recite features which patentably distinguish over the prior art. However, to put this Application in condition for allowance, Applicant has amended claim 1 to include the subject matter of claim 12 that was indicated in the Action to recite allowable subject matter. Thus claim 1 should now be allowable. In addition claims 2-11 and 13 which depend from claim 1 should be allowable as well. Allowance of the application is respectfully requested. Applicants reserve the right to file Divisional or Continuation applications including the original forms of the amended claims.

Conclusion

Allowance of the Application is respectfully requested. The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,

/Christopher L. Parmelee/

Christopher L. Parmelee Reg. No. 42,980
231 South Broadway
Medina, Ohio 44256
(330) 721-0000